IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UN	IITED STATES OF AMERICA,)
	Plaintiff,) 8:11CR290)
	vs.)) DETENTION ORDER
JO	RGE LUIS LIZARRAGA-MONTALVO,) }
	Defendant.)
A.	Order For Detention After waiving a detention hearing pursuant Act on September 1, 2011, the Court orde pursuant to 18 U.S.C. § 3142(e) and (i).	to 18 U.S.C. § 3142(f) of the Bail Reform rs the above-named defendant detained
B.	The Court orders the defendant's detention X By a preponderance of the evide conditions will reasonably assure the	because it finds: nce that no condition or combination of appearance of the defendant as required. to condition or combination of conditions
C.	distribute methamphetan 846 carries a minimum se maximum of life imprison (Count II) in violation of 2 sentence of five years imprisonment; the possed distribute (Count III) in violation the imprisonment; and the (Count IV) in violation maximum sentence of ter [Count IV] in violation in violation maximum sentence of ter [Count IV] in violation in violation in violation maximum sentence of ter [Count IV] in violation in violation in violation maximum sentence of ter [Count IV] in violation maximum sentence of term maximum sentenc	nd includes the following: e offense charged: to distribute and possess with intent to nine (Count I) in violation of 21 U.S.C. § entence of ten years imprisonment and a ment; the distribution of methamphetamine 21 U.S.C. § 841(a)(1) carries a minimum prisonment and a maximum of forty years ssion of methamphetamine with intent to plation of 21 U.S.C. § 841(a)(1) carries an years imprisonment and a maximum of a possession of a firearm by an illegal alien of 18 U.S.C. § 922(g)(5)(A) carries an years imprisonment. violence.
	may affect wheth The defendant h X The defendant h X The defendant h X The defendant is	Inst the defendant is high. Inst the defendant including: Inspears to have a mental condition which her the defendant will appear. Instead the as no family ties in the area. Instead the area t

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``	Past conduct of the defendant: The defendant has a history relating to drug abuse. The defendant has a history relating to alcohol abuse. X The defendant has a significant prior criminal record. The defendant has a prior record of failure to appear at court proceedings. At the time of the current arrest, the defendant was on: X Supervised Release - 8:09CR440 (D. Nebr.) Parole Release pending trial, sentence, appeal or completion of sentence. Other Factors: X The defendant is an illegal alien and is subject to deportation. The defendant is a legal alien and will be subject to deportation if convicted. X The Bureau of Immigration and Custom Enforcement (BICE) has placed a detainer with the U.S. Marshal. Other:
releas	nature and seriousness of the danger posed by the defendant's see are as follows: The nature of the charges in the Indictment and the dant's criminal history.
In det on th 3142(<u>X</u> (a)	ermining that the defendant should be detained, the Court also relied e following rebuttable presumption(s) contained in 18 U.S.C. § e) which the Court finds the defendant has not rebutted: That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of any other person and the community because the Court finds that the crime involves: (1) A crime of violence; or X (2) An offense for which the maximum penalty is life imprisonment or death; or X (3) A controlled substance violation which has a maximum penalty of 10 years or more; or (4) A felony after the defendant had been convicted of two or more prior offenses described in (1) through (3) above, and the defendant has a prior conviction for one of the crimes mentioned in (1) through (3) above which is less than five years old and which was committed while the defendant was on pretrial release. That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community because the Court finds that there is probable cause to believe: X (1) That the defendant has committed a controlled substance violation which has a maximum penalty of 10 years or more. (2) That the defendant has committed an offense under 18 U.S.C. § 924(c) (uses or carries a firearm during and in relation to any crime of violence, including a crime of violence, which provides for an enhanced punishment

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if committed by the use of a deadly or dangerous weapon or device).

D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

- 1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: September 2, 2011. BY THE COURT:

s/Thomas D. Thalken

United States Magistrate Judge